

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VALERIE PETERSON

Plaintiff,

VS.

ROSS DRESS FOR LESS, INC.

Defendant.

Cause No. 4:23-CV-20

JURY TRIAL DEMANDED

DEFENDANT'S NOTICE OF REMOVAL

Comes Now, Defendant, Ross Dress For Less, Inc., (Defendant) pursuant to 28 §§ U.S.C. 1332 and 1441 by and through its undersigned attorneys, and hereby removes to the United States District Court for the Eastern District of Missouri Eastern Division the case styled *Valerie Peterson v. Ross Dress for Less, Inc.*, Case No. 22SL-CC05067, from the Circuit Court of St. Louis County, State of Missouri, in which it is now pending. In support of its Notice of Removal, Defendant states as follows:

INTRODUCTION

1. On November 30, 2022, Plaintiff, Valerie Peterson filed a Petition and commenced a civil action for damages against Defendant, Ross Dress for Less Inc. (“Defendant”) in the Circuit Court of St. Louis County of St. Louis, State of Missouri, Case No. 22SL-CC05067.
2. In the Petition, Plaintiff alleges that she sustained on Defendant’s premises.
3. On December 09, 2022, Defendant was served with a copy of Plaintiff’s Petition and a summons. Accordingly, this Notice of Removal is timely filed within thirty (30) days of service upon Defendant in accordance with 28 U.S.C. § 1446(b).
4. As set forth below, this action is removable pursuant to 28 U.S.C. § 1441(a) because it is within the United State District Court’s diversity jurisdiction under 28 U.S.C. § 1332(a) in

that the sole Plaintiff and the sole named Defendant are citizens of different states, and the amount in controversy exceeds \$75,000.00, exclusive of interest in costs.

**THIS COURT HAS DIVERSITY JURISDICTION OVER PLAINTIFF'S CIVIL ACTION
BECAUSE THE COMPLETE DIVERSITY REQUIREMENT IS SATISFIED**

5. Plaintiff is a resident of the State of Missouri.

6. Defendant is incorporated in the State of Virginia and its principal place of business is in California.

7. Accordingly, because the facts establish that the sole Plaintiff and sole Defendant in Plaintiff's civil action are citizens of different states, and the complete diversity requirement for diversity jurisdiction is satisfied.

**THE COURT HAS DIVERSITY JURISDICTION OVER PLAINTIFF'S CIVIL ACTION
BECAUSE THE AMOUNT IN CONTROVERSY REQUIREMENT HAS BEEN
SATISFIED**

7. In this case, Plaintiff claims that Defendant's employee struck her with great force and violence while the employee was transporting an overloaded cart. In the Petition, Plaintiff alleges that as a result of being struck with such great force and violence by Defendant's employee, she sustained severe, permanent, and progressive injuries to her neck, back and lower extremities. Plaintiff claims to have incurred expenses due to these injuries, including the cost of hospital care, medical treatment, medication, and physical therapy. Additionally, Plaintiff's counsel has informed Defendant's counsel that Plaintiff's injuries have required Plaintiff to undergo a surgical procedure to her back. Plaintiff alleges that she has suffered great and severe damages due to her injuries and the attendant pain suffering.

8. Accordingly, because the facts establish that Plaintiff's damages claim against Defendant exceeds \$75,000.00, exclusive of interest in costs, the amount in controversy requirement for diversity jurisdiction is satisfied.

VENUE IS PROPER IN THIS COURT

9. Plaintiff filed her civil action against Ross in the Circuit Court of the County of St. Louis, State of Missouri.

10. Pursuant to 28 U.S.C. § 1446, venue is proper in this Court because the United States District Court for the Eastern District of Missouri Eastern Division geographically embraces the state court that sits in St. Louis County, Missouri where Plaintiff filed her Petition and in which her civil action against Defendant is now pending.

WHEREFORE Defendant, Ross Dress For Less, Inc prays the Court to accept its Notice for Removal and make and enter such orders as may be necessary for the complete removal of this action from the Circuit Court of St. Louis County, State of Missouri to the United States District Court for the Eastern District of Missouri Eastern Division, and that further proceedings be discontinued in the State Court and all future proceedings be held in this Court, as the laws in such case provide.

ROBERTS PERRYMAN, P.C.

By: /s/ Chandler D. Atkins
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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2023, the foregoing was electronically filed with the Clerk of the Court using CM/ECF electronic filing system which will send notification of such filing to the following and emailed to:

Kenneth S. Powell, III – kenny@plfirm.com

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Attorneys for Plaintiff

/s/ Chandler D. Atkins